

**ASSEMBLY BILL**

**No. 2884**

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**Introduced by Assembly Member Portantino**

February 22, 2008

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An act to amend Section 273 of the Code of Civil Procedure, relating to court reporters.

LEGISLATIVE COUNSEL'S DIGEST

AB 2884, as introduced, Portantino. Court reporters: rough draft transcript.

Existing law provides that the report of the official reporter or official reporter pro tempore of any court, as specified, when transcribed and certified as being a correct transcript of the testimony and proceedings in a case, is prima facie evidence of that testimony and proceedings. Existing law specifically provides that the report, when prepared as a rough draft transcript, shall not be certified and cannot be used, cited, or transcribed as the official certified transcript of the proceedings. Existing law also provides that the rough draft transcript may not be cited or used to rebut or contradict the official certified transcript and that the production of a rough draft transcript shall not be required.

This bill would provide that a “rough draft transcript” includes the instant visual display of testimony for purposes of these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 273 of the Code of Civil Procedure is
- 2 amended to read:

1     273. (a) The report of the official reporter, or official reporter  
2 pro tempore, of any court, duly appointed and sworn, when  
3 transcribed and certified as being a correct transcript of the  
4 testimony and proceedings in the case, is prima facie evidence of  
5 that testimony and proceedings.

6     (b) The report of the official reporter, or official reporter pro  
7 tempore, of any court, duly appointed and sworn, when prepared  
8 as a rough draft transcript, shall not be certified and cannot be  
9 used, cited, or transcribed as the official certified transcript of the  
10 proceedings. A rough draft transcript shall not be cited or used in  
11 any way or at any time to rebut or contradict the official certified  
12 transcript of the proceedings as provided by the official reporter  
13 or official reporter pro tempore. The production of a rough draft  
14 transcript shall not be required.

15     (c) *For purposes of this section, a “rough draft transcript”*  
16 *includes the instant visual display of testimony.*